

Draft Order laid before Parliament, under paragraphs 1(3) and 7(3) of Schedule 2 to the Private Security Industry Act 2001, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2005 No.

SECURITY INDUSTRY, ENGLAND AND WALES

**The Private Security Industry Act 2001
(Amendments to Schedule 2) Order 2005**

Made - - - - 2005
Coming into force - - 28th February 2005

Whereas the Secretary of State consulted the Security Industry Authority in accordance with section 24(4) of the Private Security Industry Act 2001⁽¹⁾ before laying a draft of this Order before Parliament;

And whereas each House of Parliament has approved a draft of this Order;

Now, therefore the Secretary of State, in exercise of the powers conferred upon him by paragraph 1(2) and 7(2) of Schedule 2 to the Private Security Industry Act 2001, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2005 and shall come into force on 28th February 2005.

(2) In this Order “the 2001 Act” means the Private Security Industry Act 2001.

Amendments to Schedule 2

2. After paragraph 3(2) of Schedule 2 to the 2001 Act insert—

“(2A) This paragraph applies only in circumstances in which it is proposed to impose a charge for the release of the vehicle.”

3. After paragraph 3 of Schedule 2 to the 2001 Act insert—

“3A Restriction and removal of vehicles

(1) This paragraph applies (subject to the following provisions of this paragraph) to—

(1) 2001 c. 12.

- (a) the moving of a vehicle by any means; and
- (b) the restriction of the movement of a vehicle by any means.

(2) This paragraph applies only to activities carried out for the purpose of preventing or inhibiting the removal of a vehicle by a person otherwise entitled to remove it.

(3) This paragraph applies only in circumstances in which it is proposed to impose a charge for the release of the vehicle.

(4) This paragraph does not apply to any activities carried out in relation to a vehicle while it is on a road within the meaning of the Road Traffic Act 1988.

(5) This paragraph does not apply to restricting the movement of a vehicle by a fixed barrier which was present when that vehicle was parked and which is reasonably understood to be for the purpose of ensuring payment which has been accepted as a condition of parking.”

4. After paragraph 9 of Schedule 2 to the 2001 Act insert —

“9A Restriction and removal of vehicles

This paragraph applies to any activities which are activities of a security operative by virtue of paragraph 3A of this Schedule.”

Home Office
2005

Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order amends paragraph 3 of Schedule 2 to the Private Security Industry Act 2001 to provide that the activities in that paragraph (immobilisation of vehicles) only amount to activities of a security operative where it is proposed to charge a fee for the release of the immobilised vehicle. Article 3 of this Order inserts a new paragraph 3A into Schedule 2 to the 2001 Act. Paragraph 3A provides that the activities of restriction (typically blocking in) and removal of vehicles are to be activities of security operatives and liable to control under the 2001 Act where it is proposed to charge a fee for the release of the vehicle. Article 4 of this Order inserts a new paragraph 9A into Schedule 2 to the 2001 Act to clarify that the activities in paragraph 3A are to be subject to additional controls.

A full regulatory impact assessment of the effect of regulations to implement the Private Security Industry Act 2001 in respect of door supervisors and vehicle immobilisers was published in January 2004 and is available from the website of the Security Industry Authority (www.the-sia.org.uk). That regulatory impact assessment covered the proposal to extend the Private Security Industry Act 2001 to include towing away and other practices, such as the restriction (typically blocking in) of vehicles.